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Commonwealth of Virginia

RESPONSE TO PETITION FOR RULEMAKING

Check one: ☒ **Initial Agency Notice** ☐ **Agency Decision**

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Agency Name: State Water Control Board

Chapters affected:

VAC No. <i>(e.g., 4 VAC 20-490):</i>	Chapter Name <i>(e.g., Regulations Pertaining to Sharks):</i>
9 VAC 25-720	Water Quality Management Planning Regulation

Statutory Authority: State mandate in the Code of Virginia, §62.1-44.15, is the source of legal authority identified to promulgate these amendments. The promulgating entity is the State Water Control Board.

Name of petitioner: Stephen E. Tarnowski, Asst. Counsel, Merck-Safety & Environmental Law

Nature of petitioner's request: Amend the Water Quality Management Planning Regulation (9 VAC 25-720), within section 50.C, to increase Merck's total nitrogen allocation from 14,619 lbs/yr to 43,835 lbs/yr, and total phosphorus allocation from 1,096 lbs/yr to 4,384 lbs/yr. The request is based on scientific and engineering studies conducted to determine technically feasible and equitable nutrient removal treatment of Merck's process wastewater. It is Merck's understanding that this approach is consistent with the State's implementation strategy for nutrient discharge control in the Chesapeake Bay watershed that required comparable levels of effort from all affected dischargers and that industrial dischargers would be considered on a case-by-case basis.

INITIAL AGENCY NOTICE

Agency's plan for disposition of the request: Public-notice receipt of the petition and provide for a 21-day public comment period. Upon close of the public comment period, review any comments received and then make a decision to either initiate a rulemaking or place the petition on the Board's next meeting agenda for their consideration.

Comments may be submitted until

AGENCY DECISION

☐ **Request Granted**

☐ **Request Denied**

Statement of reasons for decision:

Agency Contact for Further Information:

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